

**EIGHTY-SEVENTH GENERAL ASSEMBLY  
2018 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

**February 23, 2018**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#"><u>HF 2280</u></a> .....	<a href="#"><u>H-8085</u></a> .....	Filed	R. SMITH of Black Hawk
<a href="#"><u>HF 2308</u></a> .....	<a href="#"><u>H-8088</u></a> .....	Filed	BEST of Carroll
<a href="#"><u>HF 2356</u></a> .....	<a href="#"><u>H-8084</u></a> .....	Filed	WINCKLER of Scott
<a href="#"><u>HF 2377</u></a> .....	<a href="#"><u>H-8091</u></a> .....	Filed	LUNDGREN of Dubuque
<a href="#"><u>HF 2394</u></a> .....	<a href="#"><u>H-8089</u></a> .....	Filed	WORTHAN of Buena Vista
<a href="#"><u>HF 2408</u></a> .....	<a href="#"><u>H-8083</u></a> .....	Filed	ISENHART of Dubuque
<a href="#"><u>SF 2131</u></a> .....	<a href="#"><u>H-8086</u></a> .....	Filed	BRECKENRIDGE of Jasper
<a href="#"><u>SF 2131</u></a> .....	<a href="#"><u>H-8087</u></a> .....	Filed	WINCKLER of Scott
<a href="#"><u>SF 2131</u></a> .....	<a href="#"><u>H-8090</u></a> .....	Filed	MASCHER of Johnson

**Fiscal Notes**

[HF 2395](#) — [Sexual Misconduct with Offenders and Juveniles](#) (LSB5712HV)  
[HF 2421](#) — [Probate and Conservatorship Court Fees](#) (LSB5194HZ)  
[HF 2438](#) — [Secure an Advanced Vision for Education Extension](#) (LSB5423HV)

H-8085

1 Amend House File 2280 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 256.16, subsection 1, paragraph a,  
5 subparagraph (2), Code 2018, is amended to read as follows:

6 (2) Administer, prior to a student's completion of the  
7 practitioner preparation program and subject to the director's  
8 approval, subject assessments designed by a nationally  
9 recognized testing service that measure pedagogy and knowledge  
10 of at least one subject area; or, a valid and reliable  
11 subject-area-specific, performance-based assessment for  
12 preservice teacher candidates, centered on student learning.  
13 A student shall not successfully complete the program unless  
14 the scores achieved by the student achieves scores on the  
15 assessments administered under this subparagraph are at or  
16 above the twenty-fifth percentile nationally on the assessments  
17 administered pursuant to this subparagraph minimum passing  
18 scores set by the department. To determine the minimum passing  
19 scores for purposes of this subparagraph, the department  
20 shall use the recommended scores which are determined by the  
21 assessment provider through a validated standard setting  
22 process.>

23 2. Title page, by striking lines 1 through 3 and inserting  
24 <An Act relating to assessment scores set by the department  
25 of education for successful completion of a practitioner  
26 preparation program and for initial licensure.>

By R. SMITH of Black Hawk

H-8085 FILED FEBRUARY 22, 2018

H-8088

1 Amend House File 2308 as follows:

2 1. Page 2, lines 25 and 26, by striking <This subsection  
3 shall not be construed to prohibit> and inserting  
4 <Notwithstanding the prohibitions in this subsection,>

5 2. Page 2, lines 28 and 29, by striking <from assigning  
6 a multi-stage manufactured> and inserting <may assign an  
7 incomplete motor>

8 3. Page 2, line 32, by striking <multi-stage manufactured>  
9 and inserting <incomplete motor>

10 4. Page 2, line 34, after <fees.> by inserting <A licensed  
11 dealer in new motor vehicles may also assign an incomplete  
12 motor vehicle's manufacturer's statement of origin in the same  
13 manner as provided in this subsection.>

14 5. Page 3, line 4, by striking <a multi-stage manufactured>  
15 and inserting <an incomplete motor>

16 6. Page 3, line 8, by striking <multi-stage manufactured>  
17 and inserting <incomplete motor>

By BEST of Carroll

H-8088 FILED FEBRUARY 22, 2018

H-8084

- 1 Amend the amendment, H-8071, to House File 2356 as follows:
- 2 1. Page 1, line 5, by striking <do any of> and inserting <do
- 3 but not be limited to>

By WINCKLER of Scott

H-8084 FILED FEBRUARY 22, 2018

H-8091

1 Amend House File 2377 as follows:

2 1. Page 1, line 29, before <shall> by inserting <or the  
3 prescribing practitioner's designated agent>

4 2. Page 1, line 29, after <database> by inserting <prior to  
5 issuing an opioid prescription>

6 3. Page 2, line 35, by striking <twenty-four>

7 4. Page 3, line 1, by striking <hours> and inserting <one  
8 business day>

9 5. Page 4, line 32, by striking <program> and inserting  
10 <department, and the department to report to the program,>

11 6. By striking page 5, line 7, through page 12, line 27, and  
12 inserting:

13 <Sec. \_\_\_\_\_. Section 124.308, Code 2018, is amended by  
14 striking the section and inserting in lieu thereof the  
15 following:

16 **124.308 Prescriptions.**

17 1. Except when dispensed directly by a practitioner to an  
18 ultimate user, a prescription drug as defined in section 155A.3  
19 that is a controlled substance shall not be dispensed without  
20 a prescription, unless such prescription is authorized by a  
21 practitioner and complies with this section, section 155A.27,  
22 applicable federal law and regulation, and rules of the board.

23 2. *a.* Beginning January 1, 2020, every prescription issued  
24 for a controlled substance shall be transmitted electronically  
25 as an electronic prescription pursuant to the requirements in  
26 subsection 2, paragraph "b", unless exempt under subsection 2,  
27 paragraph "c".

28 *b.* Except for prescriptions identified in paragraph "c",  
29 a prescription that is transmitted pursuant to paragraph "a"  
30 shall be transmitted to a pharmacy by a practitioner or the  
31 practitioner's authorized agent in compliance with federal  
32 law and regulation for electronic prescriptions of controlled  
33 substances. The practitioner's electronic prescription system  
34 and the receiving pharmacy's dispensing system shall comply  
35 with federal law and regulation for electronic prescriptions of

1 controlled substances.

2 c. Paragraph "b" shall not apply to any of the following:

3 (1) A prescription for a patient residing in a nursing home,  
4 long-term care facility, correctional facility, or jail.

5 (2) A prescription authorized by a licensed veterinarian.

6 (3) A prescription dispensed by a department of veterans  
7 affairs pharmacy.

8 (4) A prescription requiring information that makes  
9 electronic submission impractical, such as complicated or  
10 lengthy directions for use or attachments.

11 (5) A prescription for a compounded preparation containing  
12 two or more components.

13 (6) A prescription issued in response to a public health  
14 emergency in a situation where a non-patient specific  
15 prescription would be permitted.

16 (7) A prescription issued pursuant to an established and  
17 valid collaborative practice agreement, standing order, or drug  
18 research protocol.

19 (8) A prescription issued during a temporary technical  
20 or electronic failure at the practitioner's or pharmacy's  
21 location, provided that a prescription issued pursuant to  
22 this subparagraph shall indicate on the prescription that the  
23 practitioner or pharmacy is experiencing a temporary technical  
24 or electronic failure.

25 (9) A prescription issued in an emergency situation  
26 pursuant to federal law and regulation rules of the board.

27 d. A practitioner, as defined in section 124.101, subsection  
28 27, paragraph "a", who violates paragraph "a" is subject  
29 to an administrative penalty of two hundred fifty dollars  
30 per violation, up to a maximum of five thousand dollars per  
31 calendar year. The assessment of an administrative penalty  
32 pursuant to this paragraph by the appropriate licensing board  
33 of the practitioner alleged to have violated paragraph "a"  
34 shall not be considered a disciplinary action or reported  
35 as discipline. A practitioner may appeal the assessment of

1 an administrative penalty pursuant to this paragraph, which  
2 shall initiate a contested case proceeding under chapter  
3 17A. A penalty collected pursuant to this paragraph shall be  
4 deposited into the drug information program fund established  
5 pursuant to section 124.557. The board shall be notified  
6 of any administrative penalties assessed by the appropriate  
7 professional licensing board and deposited into the drug  
8 information program fund under this paragraph.

9 e. A pharmacist who receives a written, oral, or facsimile  
10 prescription shall not be required to verify that the  
11 prescription is subject to an exception under paragraph "c"  
12 and may dispense a prescription drug pursuant to an otherwise  
13 valid written, oral, or facsimile prescription. However, a  
14 pharmacist shall exercise professional judgment in identifying  
15 and reporting suspected violations of this section to the  
16 board or the appropriate professional licensing board of the  
17 practitioner.

18 3. A prescription issued prior to January 1, 2020, or a  
19 prescription that is exempt from the electronic prescription  
20 requirement in subsection 2, paragraph "c", may be transmitted  
21 by a practitioner or the practitioner's authorized agent to a  
22 pharmacy in any of the following ways:

23 a. Electronically, if transmitted in accordance with  
24 the requirements for electronic prescriptions pursuant to  
25 subsection 2.

26 b. By facsimile for a schedule III, IV, or V controlled  
27 substance, or for a schedule II controlled substance only  
28 pursuant to federal law and regulation and rules of the board.

29 c. Orally for a schedule III, IV, or V controlled substance,  
30 or for a schedule II controlled substance only in an emergency  
31 situation pursuant to federal regulation and rules of the  
32 board.

33 d. By providing an original signed prescription to a patient  
34 or a patient's authorized representative.

35 4. If permitted by federal law and in accordance with

1 federal requirements, an electronic or facsimile prescription  
2 shall serve as the original signed prescription and the  
3 practitioner shall not provide a patient, a patient's  
4 authorized representative, or the dispensing pharmacy with a  
5 signed, written prescription. An original signed prescription  
6 shall be retained for a minimum of two years from the date of  
7 the latest dispensing or refill of the prescription.

8 5. A prescription for a schedule II controlled substance  
9 shall not be filled more than six months after the date  
10 of issuance. A prescription for a schedule II controlled  
11 substance shall not be refilled.

12 6. A prescription for a schedule III, IV, or V controlled  
13 substance shall not be filled or refilled more than six months  
14 after the date on which the prescription was issued or be  
15 refilled more than five times.

16 7. A controlled substance shall not be distributed or  
17 dispensed other than for a medical purpose.

18 8. A practitioner, medical group, or pharmacy that is unable  
19 to timely comply with the electronic prescribing requirements  
20 in subsection 2, paragraph "b", may petition the board for an  
21 exemption from the requirements based upon economic hardship,  
22 technical limitations that the practitioner, medical group, or  
23 pharmacy cannot control, or other exceptional circumstances.  
24 The board shall adopt rules establishing the form and specific  
25 information to be included in a request for an exemption  
26 and the specific criteria to be considered by the board in  
27 determining whether to approve a request for an exemption. The  
28 board may approve an exemption for a period of time determined  
29 by the board not to exceed one year from the date of approval,  
30 and may be renewed annually upon request subject to board  
31 approval.

32 Sec. \_\_\_\_\_. Section 155A.27, Code 2018, is amended by striking  
33 the section and inserting in lieu thereof the following:

34 **155A.27 Requirements for prescription.**

35 1. Except when dispensed directly by a prescriber to an



1 ultimate user, a prescription drug shall not be dispensed  
2 without a prescription, authorized by a prescriber, and based  
3 on a valid patient-prescriber relationship.

4 2. a. Beginning January 1, 2020, every prescription issued  
5 for a prescription drug shall be transmitted electronically as  
6 an electronic prescription to a pharmacy by a prescriber or the  
7 prescriber's authorized agent unless exempt under paragraph  
8 "b".

9 b. Paragraph "a" shall not apply to any of the following:

10 (1) A prescription for a patient residing in a nursing home,  
11 long-term care facility, correctional facility, or jail.

12 (2) A prescription authorized by a licensed veterinarian.

13 (3) A prescription for a device.

14 (4) A prescription dispensed by a department of veterans  
15 affairs pharmacy.

16 (5) A prescription requiring information that makes  
17 electronic transmission impractical, such as complicated or  
18 lengthy directions for use or attachments.

19 (6) A prescription for a compounded preparation containing  
20 two or more components.

21 (7) A prescription issued in response to a public health  
22 emergency in a situation where a non-patient specific  
23 prescription would be permitted.

24 (8) A prescription issued for an opioid antagonist pursuant  
25 to section 135.190 or a prescription issued for epinephrine  
26 pursuant to section 135.185.

27 (9) A prescription issued during a temporary technical  
28 or electronic failure at the location of the prescriber or  
29 pharmacy, provided that a prescription issued pursuant to  
30 this subparagraph shall indicate on the prescription that the  
31 prescriber or pharmacy is experiencing a temporary technical  
32 or electronic failure.

33 (10) A prescription issued pursuant to an established and  
34 valid collaborative practice agreement, standing order, or drug  
35 research protocol.

1 (11) A prescription issued in an emergency situation  
2 pursuant to federal law and regulation and rules of the board.

3 c. A practitioner, as defined in section 124.101, subsection  
4 27, paragraph "a", who violates paragraph "a" is subject  
5 to an administrative penalty of two hundred fifty dollars  
6 per violation, up to a maximum of five thousand dollars per  
7 calendar year. The assessment of an administrative penalty  
8 pursuant to this paragraph by the appropriate licensing board  
9 of the practitioner alleged to have violated paragraph "a"  
10 shall not be considered a disciplinary action or reported  
11 as discipline. A practitioner may appeal the assessment of  
12 an administrative penalty pursuant to this paragraph, which  
13 shall initiate a contested case proceeding under chapter  
14 17A. A penalty collected pursuant to this paragraph shall be  
15 deposited into the drug information program fund established  
16 pursuant to section 124.557. The board shall be notified  
17 of any administrative penalties assessed by the appropriate  
18 professional licensing board and deposited into the drug  
19 information program fund under this paragraph.

20 d. A pharmacist who receives a written, oral, or facsimile  
21 prescription shall not be required to verify that the  
22 prescription is subject to an exception under paragraph "b"  
23 and may dispense a prescription drug pursuant to an otherwise  
24 valid written, oral, or facsimile prescription. However, a  
25 pharmacist shall exercise professional judgment in identifying  
26 and reporting suspected violations of this section to the  
27 board or the appropriate professional licensing board of the  
28 prescriber.

29 3. For prescriptions issued prior to January 1, 2020,  
30 or for prescriptions exempt from the electronic prescription  
31 requirement in subsection 2, paragraph "b", a prescriber or the  
32 prescriber's authorized agent may transmit a prescription for a  
33 prescription drug to a pharmacy by any of the following means:

34 a. Electronically.

35 b. By facsimile.

1     *c.* Orally.

2     *d.* By providing an original signed prescription to a patient  
3 or a patient's authorized representative.

4     4. A prescription shall be issued in compliance with  
5 this subsection. Regardless of the means of transmission, a  
6 prescriber shall provide verbal verification of a prescription  
7 upon request of the pharmacy.

8     *a.* If written, electronic, or facsimile, each prescription  
9 shall contain all of the following:

10     (1) The date of issue.

11     (2) The name and address of the patient for whom, or the  
12 owner of the animal for which, the drug is dispensed.

13     (3) The name, strength, and quantity of the drug prescribed.

14     (4) The directions for use of the drug, medicine, or device  
15 prescribed.

16     (5) The name, address, and written or electronic signature  
17 of the prescriber issuing the prescription.

18     (6) The federal drug enforcement administration number, if  
19 required under chapter 124.

20     *b.* If electronic, each prescription shall comply with all  
21 of the following:

22     (1) The prescriber shall ensure that the electronic system  
23 used to transmit the electronic prescription has adequate  
24 security and safeguards designed to prevent and detect  
25 unauthorized access, modification, or manipulation of the  
26 prescription.

27     (2) Notwithstanding paragraph "a", subparagraph (5),  
28 for prescriptions that are not controlled substances, if  
29 transmitted by an authorized agent, the electronic prescription  
30 shall not require the written or electronic signature of the  
31 prescriber issuing the prescription.

32     *c.* If facsimile, in addition to the requirements of  
33 paragraph "a", each prescription shall contain all of the  
34 following:

35     (1) The identification number of the facsimile machine

1 which is used to transmit the prescription.

2 (2) The date and time of transmission of the prescription.

3 (3) The name, address, telephone number, and facsimile  
4 number of the pharmacy to which the prescription is being  
5 transmitted.

6 d. If oral, the prescriber issuing the prescription  
7 shall furnish the same information required for a written  
8 prescription, except for the written signature and address  
9 of the prescriber. Upon receipt of an oral prescription,  
10 the recipient shall promptly reduce the oral prescription to  
11 a written format by recording the information required in a  
12 written prescription.

13 e. A prescription transmitted by electronic, facsimile,  
14 or oral means by a prescriber's agent shall also include  
15 the name and title of the prescriber's agent completing the  
16 transmission.

17 5. An electronic, facsimile, or oral prescription  
18 shall serve as the original signed prescription and the  
19 prescriber shall not provide a patient, a patient's authorized  
20 representative, or the dispensing pharmacist with a signed  
21 written prescription. Prescription records shall be retained  
22 pursuant to rules of the board.

23 6. This section shall not prohibit a pharmacist,  
24 in exercising the pharmacist's professional judgment,  
25 from dispensing, at one time, additional quantities of a  
26 prescription drug, with the exception of a prescription drug  
27 that is a controlled substance as defined in section 124.101,  
28 up to the total number of dosage units authorized by the  
29 prescriber on the original prescription and any refills of  
30 the prescription, not to exceed a ninety-day supply of the  
31 prescription drug as specified on the prescription.

32 7. A prescriber, medical group, institution, or pharmacy  
33 that is unable to timely comply with the electronic prescribing  
34 requirements in subsection 2, paragraph "a", may petition  
35 the board for an exemption from the requirements based upon

1 economic hardship, technical limitations that the prescriber,  
2 medical group, institution, or pharmacy cannot control, or  
3 other exceptional circumstances. The board shall adopt rules  
4 establishing the form and specific information to be included  
5 in a request for an exemption and the specific criteria to be  
6 considered by the board in determining whether to approve a  
7 request for an exemption. The board may approve an exemption  
8 for a period of time determined by the board, not to exceed one  
9 year from the date of approval, and may be annually renewed  
10 subject to board approval upon request.

11 Sec. \_\_\_\_\_. Section 155A.29, subsection 4, Code 2018, is  
12 amended to read as follows:

13 4. An authorization to refill a prescription drug order ~~may~~  
14 shall be transmitted to a ~~pharmacist~~ pharmacy by a prescriber  
15 or the prescriber's authorized agent ~~through word of mouth,~~  
16 ~~note, telephone, facsimile, or other means of communication~~  
17 ~~initiated by or directed by the practitioner. The transmission~~  
18 ~~shall include the information required pursuant to section~~  
19 155A.27, except that prescription drug orders for controlled  
20 substances shall be transmitted pursuant to section 124.308,  
21 and, if not transmitted directly by the practitioner,  
22 shall ~~identify by~~ also include the name and title of the  
23 practitioner's agent completing the transmission.>

24 7. Page 13, by striking line 14.

25 8. Page 21, after line 25 by inserting:

26 <(f) Medical assistance was not sought during the execution  
27 of an arrest warrant, search warrant, or other lawful search.>

28 9. Page 22, by striking lines 10 through 12 and inserting:

29 <5. Nothing in this section shall do any of the following:

30 a. Preclude or prevent an investigation by law enforcement  
31 of the drug-related overdose where medical assistance was  
32 provided.

33 b. Be construed to limit or bar the use or admissibility  
34 of any evidence or information obtained in connection with the  
35 investigation of the drug-related overdose in the investigation

H-8091 (Continued)

1 or prosecution of other crimes or violations which do not  
2 qualify for immunity under this section and which are committed  
3 by any person, including the overdose patient or overdose  
4 reporter.

5     *c.* Preclude the investigation or prosecution of any person  
6 on the basis of evidence obtained from sources other than the  
7 specific drug-related overdose where medical assistance was  
8 provided.>

9     10. By renumbering, redesignating, and correcting internal  
10 references as necessary.

By LUNDGREN of Dubuque

[H-8091](#) FILED FEBRUARY 22, 2018

H-8089

- 1 Amend House File 2394 as follows:
- 2 1. Page 3, by striking lines 2 through 4 and inserting:
- 3 <g. Any land, building, conveyance, or other temporary or
- 4 permanent structure whether publicly or privately owned, that
- 5 contains, houses, supports, or is appurtenant to any critical
- 6 infrastructure as described in paragraphs "a" through "f" of
- 7 this subsection.>
- 8 2. Page 3, line 5, by striking <3.> and inserting <2.>
- 9 3. Page 3, line 8, by striking <property>
- 10 4. Page 3, line 12, after <duties.> by inserting <In
- 11 addition, "*critical infrastructure sabotage*" does not include
- 12 any condition or activity related to the production of farm
- 13 products as defined in section 554.9102, including but not
- 14 limited to the discharge of agricultural stormwater; the
- 15 construction or use of soil or water quality conservation
- 16 practices or structures; the preparation of agricultural land
- 17 and the raising, harvesting, drying, or storage of agricultural
- 18 crops; the application of fertilizer as defined in section
- 19 200.3, pesticides as defined in section 206.2, or manure
- 20 as defined in section 459.102; the installation and use of
- 21 agricultural drainage tile and systems; the construction,
- 22 operation, or management of an animal feeding operation as
- 23 defined in section 459.102; and the care, feeding, or watering
- 24 of livestock.>
- 25 5. Title page, line 2, by striking <property>

By WORTHAN of Buena Vista

H-8089 FILED FEBRUARY 22, 2018

H-8083

1 Amend House File 2408 as follows:  
2 1. Page 2, after line 14 by inserting:  
3 <\_\_\_\_. Comply with the provisions of this section, if the  
4 grocery store regularly offers for sale and sells specialty  
5 eggs to consumers participating in the federal food program at  
6 the same or lower price than the price that comparable grocery  
7 stores in the same locality regularly offer for sale and sell  
8 conventional eggs to all consumers.>  
9 2. By renumbering, redesignating, and correcting internal  
10 references as necessary.

By ISENHART of Dubuque

H-8083 FILED FEBRUARY 22, 2018



H-8086

1 Amend Senate File 2131, as amended, passed, and reprinted by  
2 the Senate, as follows:  
3 1. Page 1, line 1, after <1,> by inserting <3,>  
4 2. Page 1, after line 14 by inserting:  
5 <3. Coursework offered under the initiative shall be taught  
6 by a teacher licensed under chapter 272 who has completed an  
7 online-learning-for-Iowa-educators-professional-  
8 development project offered by area education agencies, a  
9 teacher preservice program, or comparable coursework. The  
10 teacher providing the initiative coursework shall conduct  
11 two parent-teacher conferences with the parent or guardian  
12 of each student who is receiving initiative coursework from  
13 the teacher. The first parent-teacher conference shall take  
14 place mid-semester and the last parent-teacher conference shall  
15 take place as soon as reasonably possible after the course is  
16 completed. Parent-teacher conferences may take place in person  
17 or by video conference.>  
18 3. Title page, line 3, after <or private instruction>  
19 by inserting <, requiring initiative teachers to conduct  
20 parent-teacher conferences,>

By BRECKENRIDGE of Jasper

H-8086 FILED FEBRUARY 22, 2018

H-8087

1 Amend Senate File 2131, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. DEPARTMENT OF EDUCATION — ONLINE LEARNING  
6 WORKING GROUP.

7 1. The department of education shall, in collaboration with  
8 this state's community colleges and area education agencies,  
9 convene a working group to identify effective means by which  
10 students may access educational instruction and content online  
11 and shall recommend partnerships between existing providers of  
12 rigorous and high-quality online coursework.

13 2. The working group shall submit its findings and  
14 recommendations to the general assembly by October 15, 2018.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
16 importance, takes effect upon enactment.>

17 2. Title page, by striking lines 1 through 4 and inserting  
18 <An Act directing the department of education to convene an  
19 online learning working group and including effective date  
20 provisions.>

By WINCKLER of Scott

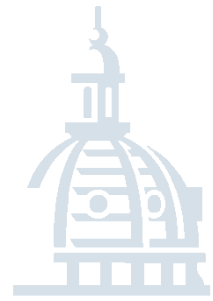
H-8087 FILED FEBRUARY 22, 2018

H-8090

1 Amend Senate File 2131, as amended, passed, and reprinted by  
2 the Senate, as follows:  
3 1. Page 1, line 1, after <5,> by inserting <6,>  
4 2. Page 1, after line 32 by inserting:  
5 <6. a. Coursework offered under the initiative shall be  
6 rigorous and high quality, and the department shall annually  
7 evaluate the quality of the courses and ensure that coursework  
8 is aligned with the state's core curriculum and core content  
9 requirements and standards, as well as national standards  
10 of quality for online courses issued by an internationally  
11 recognized association for kindergarten through grade twelve  
12 online learning.  
13 b. The initiative shall provide annually to the department  
14 the scores for each student taking coursework through the  
15 initiative who is receiving private instruction under chapter  
16 299A as described in subsection 1 and the department shall  
17 compile the data in an aggregate form that does not identify  
18 individual students and shall provide a detailed analysis of  
19 course completion rates. The department shall submit the  
20 analysis and the department's findings and recommendations in  
21 a report to the general assembly by January 15 annually. For  
22 each report beyond the initial report, the department shall  
23 include in its analysis a comparison of the most current year's  
24 data with the data collected and analyzed in prior years.>  
25 3. Title page, line 3, after <or private instruction> by  
26 inserting <, providing for an annual report,>

By MASCHER of Johnson

H-8090 FILED FEBRUARY 22, 2018



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**HF 2395** – Sexual Misconduct with Offenders and Juveniles (LSB5712HV)

Analyst: Laura Book (515.205.9275) [laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov)

Fiscal Note Version – New

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**Description**

**House File 2395** relates to the criminal elements and penalties for the commission of sexual misconduct with offenders and juveniles. The Bill raises the criminal penalty from an aggravated misdemeanor to a Class D felony for the following offenses:

- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of the Department of Corrections (DOC) who engages in a sex act with an inmate committed to the custody of the DOC, if such a person has specific and actual knowledge the inmate is committed to the custody of the DOC.
- An officer, employee, or agent of a judicial district department of correctional services who engages in a sex act with an individual under supervision of a judicial district department, with specific and actual knowledge the person is under supervision.
- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such a facility.
- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail or municipal holding facility, if such person has specific and actual knowledge the inmate is incarcerated.
- The Bill takes effect January 1, 2019.

**Background**

Under current law, an offense under Iowa Code section [709.16](#) is considered an aggravated misdemeanor. A person who violates this provision is also subject to a special sentence under Iowa Code section [903B.2](#). The Bill increases the penalty for those offenses to a Class D felony. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. A special sentence is a punishment in addition to the punishment for the underlying criminal offense by committing the person into the custody of the Director of the DOC for a period of 10 years.

**Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

**Impact**

**Correctional Impact**

The correctional impact of [HF 2395](#) is estimated to be minimal. From FY 2013 to FY 2017, there were two convictions under Iowa Code section [709.16\(2\)](#). The Bill is estimated to increase the prison population by two inmates annually and one additional jail order annually.

**Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors and Class D felonies in crimes involving persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

**Table 1 – Sentencing Estimates and LOS**

<b>Conviction Offense Class</b>	<b>Percent to Prison</b>	<b>FY 17 Avg Length of Stay in Prison (months)</b>	<b>FY 17 Prison Marginal Cost per Day</b>	<b>Avg Length of Stay on Parole (months)</b>	<b>FY 17 Marginal Cost per Day Parole</b>	<b>Percent Sentenced to Probation</b>	<b>Avg Length of Stay on Probation (months)</b>	<b>FY 17 Avg Cost per Day on Probation</b>	<b>Percent Sentenced to CBC</b>	<b>FY 17 Marginal Cost CBC per Day</b>	<b>Percent Sentenced to County Jail</b>	<b>Marginal Cost per Day</b>
Class D Felony (Persons)	77%	15.4	\$17.52	10.9	\$4.93	51%	29.7	\$4.93	8%	\$10.56	25%	\$50.00
Aggravated Misd (Persons)	47%	9	\$17.52	4.9	\$4.93	70%	19.3	\$4.93	4%	\$10.56	51%	\$50.00

### Minority Impact

The minority impact of [HF 2395](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

### Fiscal Impact

The fiscal impact of [HF 2395](#) is estimated to be minimal. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. **Table 2** contains estimates for the average State cost per offense class type and the estimated cost increase for two convictions from raising the penalties under the Bill.

**Table 2 – HF 2395 Estimated Cost**

<b>Offense</b>	<b>Cost Range</b>	<b>Cost Increase Estimate</b>	
		<b>Minimum</b>	<b>Maximum</b>
Class D Felony	\$7,900 - \$12,100	\$ 15,800	\$ 24,200
Aggravated Misdemeanor	\$3,300 - \$6,600	6,600	13,200
<b>Additional Cost</b>		<b>\$ 9,200</b>	<b>\$ 11,000</b>

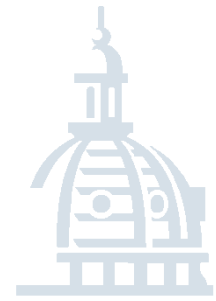
### Sources

Department of Human Rights, Criminal and Juvenile Justice Planning

/s/ Holly M. Lyons

February 22, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



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**HF 2421** – Probate and Conservatorship Court Fees (LSB5194HZ)

Analyst: Laura Book (515.205.9275) [laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov)

Fiscal Note Version – New

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**Description**

[House File 2421](#) makes several changes to court costs charged and collected by a clerk of court in connection with probate matters under Iowa Code section [633.31](#). The Bill replaces the current fees under Iowa Code section [633.31](#) and increases or decreases fees for various services related to probate matters.

The Bill sets an administration fee for services performed in connection with estates administered by the clerk of court under Iowa Code chapters [633](#) and [635](#). The clerk must charge and collect an administration fee in the amount of 0.25% of the value of the gross assets of the decedent's estate, minus the value of joint tenancy property, transfers during a person's lifetime, and nonprobate assets.

For other services performed in conservatorship, the Bill sets an administration fee of 0.25% of the value of the gross assets of the conservatorship listed in the inventory. The Bill also provides that an administration fee must not be charged on any property transferred to an estate from a conservatorship that has been administered in this State and for which an administration fee has been assessed and paid.

The Bill applies to estates of decedents dying on or after July 1, 2018.

**Background**

Under current law, Iowa Code section [633.31\(2\)\(k\)](#) provides a sliding fee scale for services performed in connection with the settlement of an estate. The probate fees collected by clerks of court are deposited in the State General Fund pursuant to Iowa Code section [602.8108](#).

**Assumptions**

- From FY 2014 to FY 2017, fee revenue from gross estate values declined by an average of 1.0% per year. It is assumed that the fee revenue will continue to decline by 1.0% each year.
- Small estate filings increased by 0.3% from FY 2015 to FY 2016. It is assumed there will be a 0.3% increase per year from FY 2017 to FY 2022.
- It is assumed that the removal of nonprobate assets from the calculation of the gross estate value will reduce administrative fee revenue by 50.0%.
- The Bill will increase the fee for filing a short form probate and filing a petition for probate of will without administration from \$15 to \$20, increase the fee for preparing a certificate and seal from \$10 to \$20, and increase the fee for issuing a clerk's commission to appraisers from \$2 to \$20. During FY 2017, the courts collected a total of \$60,731 from these types of fees. If the new fee amounts had been applied in FY 2017, the total fees collected would have been \$137,375, an increase of \$76,644. It is assumed that the same increase will occur in FY 2019, but the amount will decrease by 1.0% each subsequent year because it is assumed that filings will decline by 1.0% each year.

### **Fiscal Impact**

[House File 2421](#) is estimated to result in a negative impact of approximately \$4.2 million per year to the State General Fund, beginning in FY 2019. The removal of nonprobate assets from the calculation of gross estate values for the administrative fee will result in an estimated revenue decrease of 50.0% each year. Although [HF 2421](#) raises several probate fees under Iowa Code section [633.31](#), the increased fees will not offset the modification to the administrative fee. **Table 1** shows the estimated probate fees to be paid between FY 2019 and FY 2022 under current law and under the proposed law, and the estimated impact on the State General Fund.

**HF 2421 — Estimated Probate Fee Revenue**

<b>Fiscal Year</b>	<b>Current Law</b>	<b>Proposed Law</b>	<b>Difference</b>
2019	\$11,831,000	\$7,618,000	(\$4,213,000)
2020	\$11,712,000	\$7,555,000	(\$4,158,000)
2021	\$11,595,000	\$7,493,000	(\$4,103,000)
2022	\$11,479,000	\$7,431,000	(\$4,048,000)

### **Source**

Judicial Branch

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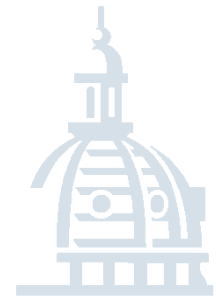
/s/ Holly M. Lyons

February 22, 2018

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**HF 2438** – Secure an Advanced Vision for Education Extension (LSB5423HV)

Analyst: Josie Gerrietts (515.238.2833) [josie.gerrietts@legis.iowa.gov](mailto:josie.gerrietts@legis.iowa.gov)

Fiscal Note Version – New

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**Description**

**House File 2438** (Secure an Advanced Vision for Education Extension) contains two provisions regarding the Secure an Advanced Vision for Education (SAVE) and Property Tax Equity Relief (PTER) funds. The Bill provides for the extension of the one-cent sales tax that is distributed to school districts for the following uses:

- Reduction of bond levies.
- Reduction of regular and voted physical, plant, and equipment levies (PPEL).
- Reduction of the public educational and recreation levy (PERL).
- Authorized infrastructure projects.
- Payment of principal and interest on bonds issued under the School Infrastructure Local Option (SILO) Sales Tax or SAVE.

The Bill extends the sunset of SAVE to January 1, 2050, and adjusts the amount of funds being directed into the PTER fund. For fiscal years in which the growth of SAVE is more than 2.0% over the previous fiscal year, the amount directed into the PTER Fund will increase by 1.0%, until it reaches a cap of 10.0% of the funds generated by SAVE.

**Background**

During the 2008 Legislative Session, the General Assembly enacted **HF 2663** (State Sales and Use Tax for School Infrastructure Act). Beginning July 1, 2008, the Act repealed the SILO Sales Tax, which was enacted by individual counties; increased the State sales tax from 5.0% to 6.0%; and designated the increase to be used for school infrastructure purposes and property tax relief. The State sales/use tax for school infrastructure (SAVE) is currently set to be repealed at the end of 2029.

In FY 2015, the rate of distribution into the PTER Fund was set at 2.1% of the total funding generated by the 1.0% SAVE sales tax. The remaining 97.9% of the 1.0% sales tax is distributed on a per pupil basis to school districts. The PTER funding generated by SAVE is combined with an annual \$24.0 million General Fund standing appropriation and is used within the State school aid formula to reduce the additional property tax levy for districts with the highest property tax rates. For the purpose of the FY 2018 school aid formula, the 2.1% allocation generated \$9.7 million, or a total of \$33.7 million, in funding for PTER, which was distributed across 61 school districts with the highest additional property tax rates. The FY 2018 PTER distribution was based on the total FY 2016 generated by SAVE.

**Assumptions**

- Estimated FY 2017 and FY 2018 increases in SAVE are set at a 2.45% growth rate.
- The growth rate for estimated FY 2019 to FY 2050 is set at 2.48% based on the average annual growth of SAVE from FY 2009 to estimated FY 2017.
- The amount of the PTER Fund transfer will increase by 1.0% annually beginning in FY 2019 until FY 2026, when it will reach 10.0%. If SAVE revenue does not grow at a greater than



2.0% rate each year between FY 2019 and FY 2026, it may take longer to reach the 10.0% cap.

### **Fiscal Impact**

**Table 1** shows the estimated fiscal impact on distribution to schools for SAVE purposes and distribution to the PTER Fund until FY 2050. Fiscal Year 2050 is a half fiscal year.

**Table 1**

Estimated Changes to SAVE and PTER - HF 2438						
<b>Fiscal Year</b>	<b>Est. SAVE Fund Growth Rate</b>	<b>SAVE Allocation to School Districts</b>	<b>Percent Change In School Allocation</b>	<b>Percent Allocated To PTER</b>	<b>Total Funding Allocated to PTER</b>	
FY 2017	2.45%	\$ 454,315,075	2.45%	2.10%	\$	9,745,267
FY 2018	2.45%	465,441,764	2.45%	2.10%		9,983,940
FY 2019	2.48%	472,112,557	1.43%	3.10%		15,103,704
FY 2020	2.48%	478,827,956	1.42%	4.10%		20,471,268
FY 2021	2.48%	485,586,071	1.41%	5.10%		26,095,774
FY 2022	2.48%	492,384,890	1.40%	6.10%		31,986,665
FY 2023	2.48%	499,222,276	1.39%	7.10%		38,153,694
FY 2024	2.48%	506,095,959	1.38%	8.10%		44,606,934
FY 2025	2.48%	513,003,536	1.36%	9.10%		51,356,790
FY 2026	2.48%	520,520,815	1.47%	10.00%		57,835,646
FY 2027	2.48%	533,429,732	2.48%	10.00%		59,269,970
FY 2028	2.48%	546,658,789	2.48%	10.00%		60,739,865
FY 2029	2.48%	560,215,927	2.48%	10.00%		62,246,214
FY 2030	2.48%	574,109,282	2.48%	10.00%		63,789,920
FY 2031	2.48%	588,347,192	2.48%	10.00%		65,371,910
FY 2032	2.48%	602,938,202	2.48%	10.00%		66,993,134
FY 2033	2.48%	617,891,070	2.48%	10.00%		68,654,563
FY 2034	2.48%	633,214,768	2.48%	10.00%		70,357,196
FY 2035	2.48%	648,918,495	2.48%	10.00%		72,102,055
FY 2036	2.48%	665,011,673	2.48%	10.00%		73,890,186
FY 2037	2.48%	681,503,963	2.48%	10.00%		75,722,663
FY 2038	2.48%	698,405,261	2.48%	10.00%		77,600,585
FY 2039	2.48%	715,725,712	2.48%	10.00%		79,525,079
FY 2040	2.48%	733,475,709	2.48%	10.00%		81,497,301
FY 2041	2.48%	751,665,907	2.48%	10.00%		83,518,434
FY 2042	2.48%	770,307,221	2.48%	10.00%		85,589,691
FY 2043	2.48%	789,410,840	2.48%	10.00%		87,712,316
FY 2044	2.48%	808,988,229	2.48%	10.00%		89,887,581
FY 2045	2.48%	829,051,137	2.48%	10.00%		92,116,793
FY 2046	2.48%	849,611,605	2.48%	10.00%		94,401,289
FY 2047	2.48%	870,681,973	2.48%	10.00%		96,742,441
FY 2048	2.48%	892,274,886	2.48%	10.00%		99,141,654
FY 2049	2.48%	914,403,303	2.48%	10.00%		101,600,367
FY 2050	2.48%	468,540,253	-48.76%	10.00%		52,060,028

**Sources**

Department of Revenue  
LSA analysis and calculations

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/s/ Holly M. Lyons

February 22, 2018

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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